

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

SERVICE EMPLOYEES)
INTERNATIONAL UNION, DISTRICT)
1199P,) 2:07cv1166
Plaintiff,) Electronic Filing
vs.)
ALIQUIPPA COMMUNITY HOSPITAL,)
Defendant.)
)
) Judge David Stewart Cercone/
) Magistrate Judge Amy Reynolds Hay

MEMORANDUM ORDER

AND NOW, this 23 day of October, 2008, after the plaintiff, Service Employees International Union, District 1199P, filed an action against defendant Aliquippa Community Hospital, and after a motion for summary judgment was filed by the plaintiff and a partial motion for summary judgment was filed by the defendant, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties until September 12, 2008, to file written objections thereto, and upon consideration of the objections filed by the plaintiff, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that the motion for summary judgment submitted by the plaintiff [Document No 18] is GRANTED, and the motion for partial summary judgment submitted by the defendant [Document No. 19] is DENIED.

IT IS FURTHER ORDERED that the case is remanded to the arbitrator, Lewis R. Amis, to award damages consistent with the Collective Bargaining Agreement and grant the Union's request that Aliquippa Community Hospital be required to make pension contributions

to the NIPF retroactive to June 30, 2004, calculated at \$.60 per hour worked for each employee.

See Major League Baseball Players Association v. Garvey, 532 U.S. 504, 511 (2001).

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the defendant desires to appeal from this Order it must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed. R. App. P.



DAVID STEWART CERCONE
United States District Judge

cc: Honorable Amy Reynolds Hay
United States Magistrate Judge

All Counsel of Record by electronic filing